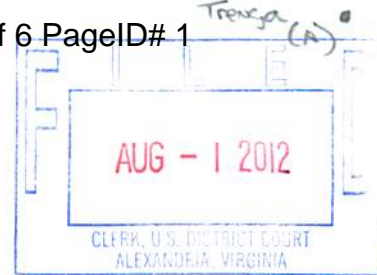


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA.

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983



Action Number 1:12 cv 847 AJT/JFA
(To be supplied by the Clerk U.S. District Court)

Please fill out this complaint form completely. The court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) Donald Richard Onkle
(Name)
- (b) # 1202123
(Inmate Number)
- (c) Sussex 2 State Prison -
24427 Musselwhite Drive.
Waverly, Virginia 23891
(Address)

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such change, this action may be dismissed.

B. Defendant (s):

Plaintiff is advised that only persons acting under color of state law are proper defendants under section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under section 1983. In addition, liability under section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens and sheriffs are not liable under section 1983 just because they supervise persons who may have violated your rights. These persons are liable only if they were personally involved in the alleged deprivation. In addition, prisons, jails, and departments within an institution are not persons under section 1983.

1. (a) Dr. King.
(Name)
- (b) Doctor.
(Title/job description)
- (c) Sussex I State Prison
24414 Musselwhite Drive
Waverly, Virginia 23891
(Address)



2. (a) Ms. Vargo
(Name)
(b) Warden/Grievance Response - Level I
(Title/job description)
(c) Sussex 2 State Prison
24427 MUSSELWHITE DRIVE
WAVERLY, VIRGINIA 23891
(Address)

3. (a) Mr/Ms. RAY HC Grievance Response Level II
(Name)
(b) Regional Director, Health Services Director or Chief of Operations for Offender Management Services.
(Title/job description)
(c) Health Services Director Unit.
Post Office Box 26963
Richmond, VIRGINIA 23261-6963
(Address)

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide an address for defendant(s) in order for the court to serve the complaint. If plaintiff does not provide an address for a defendant, that person may be dismissed as a party to this action.

In addition, plaintiff MUST provide a copy of the completed complaint and any attachments for EACH defendant named.

II. PREVIOUS LAWSUITS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment?

Yes [] No [X]

B. If your answer to A is YES: You must describe any lawsuit, whether currently pending or closed, in the space below. [If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.]

1. Parties to previous lawsuit:

Plaintiff(s) _____

Defendants(s) _____

2. Court [if federal court, name the district; if state court, name the county]:

3. Date lawsuit filed: _____
4. Docket number: _____
5. Name of judge to whom case was assigned: _____

6. Disposition [Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?]:

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place?

Sussex 2 State Prison 24427 Musselwhite Drive
Waverly, VIRGINIA 23891

B. Does the institution listed in A. have a grievance procedure? Yes ☒ No ☐

C. If your answer to B. is YES:

1. Did you file a grievance based on this complaint? Yes ☒ No ☐

2. If so, where and when: Sussex 2 State Prison 24427 Musselwhite Drive
Waverly VIRGINIA 23891 5-4-12.

→ **UNFOUNDED** ← 3. What was the result? I asked to go to M.C.V. for Chronic degenerative Arthropathy and disc disease Wedging deformity of T12 and L3 vertebra. Because I'm used to taking strong meds for this problem. What Dr. King was giving me was not helping plus Medicine would not fix the problem or what Dr. King was giving me for pain was not helping and he was advised of this. They refused me M.C.V. and stronger meds for pain.

4. Did you appeal? Level I Yes ☒ No ☐ Level II

5. Result of appeal: Ms. Vargo (Warden) and Ray HC said my grievance is UNFOUNDED and wanted me to keep taking the meds Dr. King was giving me that was not helping me and would not approve me going to M.C.V. to a specialist and stronger pain medicine.

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes ☐ No ☐

If your answer is YES: What steps did you take? _____

E. If your answer is No, explain why you did not submit your complaint to the prison authorities.

IV. STATEMENT OF THE CLAIM

[State here as briefly as possible the facts of your case. Describe how each defendant is involved and how you were harmed by their actions. Also include the names of any other persons involved, dates and places of events. You may cite constitutional amendments you allege were violated, but DO NOT give any legal arguments or cite any cases or statutes.]

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. (Attach additional sheets if necessary.)

- * Dr King Knows Chronic Degenerative Arthropathy and Disc Disease is not going to fix itself and I need to see a specialist at M.C.V. He has been told several times that the medicine is not helping or the medicine he offers will not help because I've tried them in the past. he was informed of the strong medicine I was taking on the street for this matter he refused to do anything else to help me while I'm still in a lot of pain.
- * Ms Vargo (Warden) Grievance Response Level I IF she had done her homework on this matter she would have known that Chronic Degenerative Arthropathy and Disc Disease is not going to fix itself and I said what Dr. King is doing is not helping me. Ms. Vargo could have overturned this matter and sent me to M.C.V. to see a specialist But No SHE signed off on this and said my Grievance is Unfounded while I'm still here in a lot of pain.
- * Mr/Ms Ray HC Grievance Response Level II Knows that Chronic Degenerative Arthropathy and Disc Disease is a serious matter and IF I am saying what Dr. King is doing is not helping me Mr/Ms Ray HC Knows I need to see a specialist at M.C.V. They know this matter will cost a lot of money to address and that it would be cheaper to take a chance on a 1983 tort claim So Mr/Ms Ray HC found my Grievance UNFOUNDED While I'm still here in a lot of pain.

V. RELIEF

I understand that in a section 1983 action the court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for writ of habeas corpus if I desire this type of relief. DRO (please initial)

The plaintiff wants the court to: [check those remedies you seek]

- ☒ award money damages in the amount of \$ 100,000 pain & suffering
- ☒ grant injunctive relief by to see a specialist at M.C.V.
- for my back, I might need surgery.

Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date (s) of transfer. Provide an address for each institution.

Sussex 2 State Prison 24427 MUSSELWHITE DRIVE
WAVERLY, VIRGINIA 23891

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636 (C), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

DO YOU CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE: Yes ☒ No ☐

You may consent at any time; however, any early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 24 day of July, 20 12

Plaintiff Donald Richard Ortle
(SIGNATURE)

I have filled out two (2) 1983 tort claim forms for DR. King because as of 7-12-12 He is at Sussex I State Prison BUT He moves back and forward, between Sussex I and Sussex II Because when paperwork is being filed from one prison He will go to the other since they are beside each other that's what all of the VIRGINIA D.O.C. Doctors. Do.

Thank you

(Sussex II State Prison Account Dept.)

They wont give me copies of my account of the last 6 months for this 1983 tort claim I've inclosed the request.